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OFFICE OF PETITIONS

Applicant: Vogelbacher et al.

Appl. No.: 10/561,736

International Filing Date: March 18, 2004

Title: EXTRUSION DIE HAVING AT LEAST ONE FLEXIBLE LIP ELEMENT

Attorney Docket No.: WBA05302

Pub. No.: US 2006/0165835 A1

Pub. Date: July 27, 2006

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 25, 2006, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein an inventor's name "Gerhard Vogelbacher" is misprinted as "Gerhard Vogelbacher", wherein the title of the invention "Extrusion Die Having at Least One Flexible Lip Element" is misprinted as "Extrusion Die Having at Least Flexible Lip Element" and the city of residence for an inventor "Konstanz, DE" is misprinted as "Konztanz, DE."

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The errors on the front page of the publication may be Office errors, but they are not material Office errors under 37 CFR 1.221. The misspelling of an inventor's name, the misspelling of the residence of an inventor, and the omission of the word "One" in the title of the application does not affect the understanding of the application. The mistake does not affect the public's ability

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

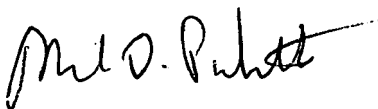
On April 25, 2006, a Filing Receipt was mailed by the Office, which improperly listed the title, inventor's name and the city. To avoid this type of problem in the future, applicant's representative should make request a corrected filing receipt.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
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P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



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